

IN THE United States District Court  
For The Eastern District of North Carolina  
Western Division

Civil Suit No. 5:12-CV-00714-D

**FILED**

**AUG 22 2013**

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY MM DEP CLK

Loushonda Myers, C.M., A.M., and M.M.,  
Plaintiffs,

**NOTICE OF APPEAL**

vs.

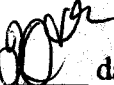
The State of North Carolina, Magistrate/Judge Keith Underwood, Magistrate/Judge Bethany Hale, Magistrate/Judge Walter Stanley, Susan Doyle, Adren Harris, North Carolina Court System, Office of Indigent Services, Johnston County Public Defender's Office, and Johnston County District Attorney's Office, Johnston County, Johnston County Department of Social Services, Carmen Carrae, Kimberly Franklin, and unknown officers/agents of the JCDSS, Krista Bennet, Fern Gunn Simeon, John Silverstein, and "unknown agents of the North Carolina Bar, Sheriff Donnie Harrison, unknown officers/agents of the Wake County Sheriff Department, and Wake County, Steven Walker and Walker Law Firm, PLLC; Aleta Ballard and Ballard Law Firm, PLLC; North Carolina Department of Health and Human Services, Sheriff Steve Bizzell, Captain A. C. Fish, Det. C.K. Allen, Det. Don Pate, Det. J. Creech, Det. J. Canady, Det. A. Case, Capatain D. Daughtry, Lieutenant Stewart, Lieutenant Danny Johnson, Deputy Billis/Gillis, and unknown officers/agents of the Johnston County Sheriff Department  
Defendants.

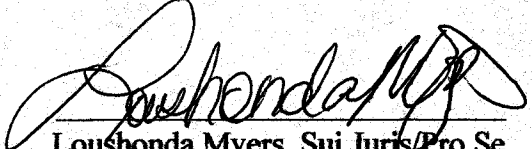
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This is to serve as notice that Loushonda Myers, C.M., A.M., and M.M. are timely appealing to the United States Court of Appeals for the Fourth Circuit from the Order of James C. Dever, III. The Plaintiffs are appealing the following: "In sum, the court GRANTS defendants' motions to strike [D.E. 81, 99, 101, 115] all references to Myers's minor children as parties. The children are no longer parties. The court GRANTS the motions to dismiss with prejudice as to defendants (1) the State of North Carolina, North Carolina Court System, Office of Indigent Defense Services, Keith Underwood, Bethany Hale, Walter Stanley, and Johnston County Public Defender's Office [D.E. 35], (2) the Johnston County Sheriff Department [D.E.

140], (3) Steven Walker and Walker Law Firm, PLLC [D.E. 78], (4) Aleta Ballard and Ballard Law Firm, PLLC [D.E. 81], (5) Krista Bennet, John Silverstein, Fern Gunn Simeon, and unknown agents of the North Carolina State Bar [D.E. 101], and (6) North Carolina Department of Health and Human Services [D.E. 115]. The claims against these defendants are DISMISSED with prejudice. As for the remaining defendants, the court GRANTS without prejudice their motions to dismiss [D.E. 35, 64, 99, 138]. Myers may file an amended complaint against these other defendants but any amended complaint must comply with this order and the Federal Rules of Civil Procedure. Myers may file such an amended complaint not later than September 3, 2013." The Plaintiffs are appealing the Order in its entirety with all rights being preserved.

The above mentioned order was signed on August 16, 2013 by James C. Dever, III, and received on August 19, 2013 by the Plaintiffs.

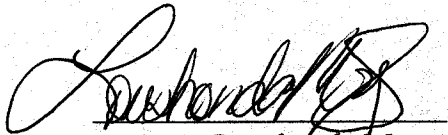
This  day of August, 2013.

  
Loushonda Myers, Sui Juris/Pro Se  
Natural and Legal Guardian of C.M., A.M., and M.M.  
Free Children  
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Georgetown, SC 29440  
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(843) 527-2100

### AFFIDAVIT TO APPEAL IN FORMA PAUPERIS

I, Loushonda Myers, am financially unable to prepay the costs of filing an appeal. Since October of 2010 my financial situation has been devastatingly diminished due to criminal charges that were filed against me. Those charges were ultimately dismissed by the prosecutor, however irreparable financial damage had already occurred.

I, Loushonda Myers, declare under the penalty of perjury that I am unable to pay the costs associated with petitioning this court, and that I am entitled to redress.

  
Loushonda Myers

Date: August 20, 2013